

PRESCRIBED BURNING BOARD MEETING
October 8, 2012, 1:00 p.m.
Stephen F. Austin Bldg., Room 220S
Austin, Texas

Board Members in attendance:

Dr. Butch Taylor
Dr. Lynn Drawe
Linda Campbell
Don Petty
Rusty Ray
Rich Gray
Dr. Robin Verble
Brian Hays
Randy Rivera
Justin Penick
Rooter Brite
Ronnie Kramer
Butch Thompson

TDA Staff in attendance:

Stephen Dillon
Lance Williams
Jessica Escobar

Guests:

Dave Redden
Jimmy Mullis
Carol Vance
John Hrcir
Curtis Hodges
Kevin Thuesen
Matthew Bentley
Lucien Ball

The first item of business was the calling of the meeting to order at approximately 1:00 p.m. by Chairman, Dr. Lynn Drawe. A quorum of members was found to be present. Chairman Drawe asked for introductions from the 5 new board members.

The second item of business was approval of the minutes of the previous Board meeting held in Austin, Texas on May 29, 2012. Mr. Rusty Ray noted that Dr. Ernest Fish was not listed as calling in at the last meeting and asked that be added to the minutes. A motion was made and seconded; the board unanimously approved the minutes as amended.

The third item of business was discussion and possible action on pending applications. Lance Williams reported there were 3 applications pending approval, one of those being awaiting insurance approval. Mr. Williams reported there were 67 total certified and insured burn managers, 25 commercial burn managers and 42 private burn managers.

The fourth item was an update on the Not-For Profit Certified and Insured Prescribed Burn Manager (NPCIPBM) category by Mr. Stephen Dillon. Mr. Dillon explained the rules for NPCIPBM were now adopted. As of the meeting date, no applications for NPCIPBM had been received.

The fifth item regarded an update on online education for prescribed burn manager training as addressed by Brian Hays. Mr. Hays explained that the online resources are developed and ready to be implemented and now just need some direction from the Board on how the best way would be to verify credit to those applicants who take the online training. The Board suggested having a demonstration of the online courses presented at the next meeting in order to review the content and make sure it is satisfactory to education requirements.

The sixth item was the recommendations of the sub-committee appointed by Chairman Drawe to review 1) wildfire CFT credit, 2) online education credit and 3) a standardized burn plan which was presented by Dr. Butch Taylor. Dr. Taylor presented the **first recommendation** of the sub-committee which recommended wildfire experience account for 3 CFT hours within a license period. Discussion was raised calling for the Texas Forest Service (TFS) to set the criteria for reporting CFT credit for wildfire experience and report those procedures to TDA for insertion into the Texas Administration Code (TAC). Rich Gray with TFS stated he would be glad to work on developing that criteria based on current procedures within TFS but would have to have his superiors sign off on it and then report back to the Board for approval. A motion supporting the recommendation was made and seconded, motion carried. The **second recommendation** presented by Dr. Taylor was to amend the TAC to reflect changes in the requirement for CFT's where at least 1 CFT hour should address laws and regulations concerning prescribed burning and 1 CFT hour should address smoke management. A motion supporting the recommendation was made and seconded, motion carried. The **third recommendation** presented was making Ray Hinnant the contact person for CFT's earned by using the Southern Fire Exchange (SFE) related webinars for a period of one year. A motion supporting the recommendation was made and seconded, motion carried. The **fourth recommendation** made was to make online training acceptable for CFT credit as long as it is reviewed and approved by Lead Burn Instructors. A motion supporting the recommendation was made and seconded, motion carried. The **fifth recommendation** was re-establishing the Advisory Board to the PBB which is in statute. Mr. Dillon presented suggestions from TDA that the advisory board be set up based on the criteria as presented by Dr. Taylor's sub-committee and that the Board provide specific charges to the advisory board to discuss and report back to the Board. After further discussion, it was decided to set up a sub-committee chaired by Chairman Drawe to recommend names to the advisory board and to develop specific charges for the advisory board to review. The other members appointed to this sub-committee included: Rooter Brite, Dr. Robin Verble, Justin Penick and Linda Campbell. The **sixth recommendation** was to consider adoption of the Prescribed Burn Alliance of Texas (PBAT) burn plan by the PBB as the official TDA burn plan template and to make it mandatory that a modified PBB-603 Burn/Do Not Burn Checklist must be filled out prior

to any prescribed burn. A motion supporting the recommendation was made and seconded, motion failed. After discussion it was decided to set up a sub-committee to review the current PBB burn plan template and to make recommendations to make the plan up to date. Chairman Drawe appointed Justin Penick to chair the sub-committee, other members appointed include: Dr. Taylor, Linda Campbell, Rich Gray and Ronnie Kramer. The final recommendation of Dr. Taylor's sub-committee was to enhance further outreach to CIPBM's through TDA's website making PBB forms easier to access, posting training opportunities on the PBB page and also email alerts to CIPBM's regarding program changes.

The seventh item addressed was Self-Insurance for Governmental Entities as presented by Stephen Dillon. Mr. Dillon explained this issue developed from an application by a City of Austin (CA) employee for burn manager certification. Based on the insurance information presented by CA, TDA legal determined that the city's policy did not meet the insurance requirements of the PBB program as set in statute. CA has had a difficult time obtaining the insurance coverage necessary to meet the requirement. CA questioned whether the Board had the authority to accept self-insurance in order to meet program requirements. Mr. Dillon further explained that TDA was making a formal request to the Office of the Attorney General (OAG) for an opinion regarding the Board's authority to accept self-insurance. Another question was whether a self-insured government entity could claim sovereign immunity in the event of a claim filed due to a prescribed burn that caused property damage. In addition, a third question that would be posed to the OAG is whether the Board would have discretion to approve such applications or whether approval would be mandatory. Mr. Dillon asked the Board for input regarding the letter and whether there was anything else the Board would like to be addressed in the letter. Ronnie Kramer asked CA officials present if the purpose of their burns is primarily hazard mitigation or something else. Mr. Kramer explained that currently hazard mitigation is not listed as an exception to prescribed burning under Texas Commission on Environmental Quality (TCEQ) rules pertaining to authorization for outdoor burning. Chairman Drawe offered to send a letter on behalf of the PBB to TCEQ requesting that hazard mitigation be added as an exception for prescribed burning under its rules pertaining to authorization for outdoor burning. A motion was made and seconded supporting Chairman Drawe's letter on behalf of the PBB to TCEQ, motion carried. Furthermore, the Board suggested reaching out to legislators to attend the PBB meetings so as to be made aware of issues facing the PBB that might require statutory changes. Mr. Williams said he would work with the TDA legislative liaison to reach out to legislators to attend the next PBB meeting in January.

During the public comment period, Chairman Drawe called on CA officials to address the Board explaining their difficulties with meeting the insurance requirements as set in statute.

The Board discussed potential meeting dates and settled on January 8, 2013. The Board directed TDA to set up the next meeting. Upon motion and second, the meeting was adjourned.